

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

JOHN DUNMIRE

NO.1:05-CV-00064

V.

CAPTAIN DEPASQUAL, ET AL

MOTION FOR SUMMARY JUDGMENT

AND NOW, Comes the plaintiff John Dunmire, in pro per, who moves this Court for Summary Judgment in the above captioned matter and in support thereof respectfully represents:

1. On October 21, 2005 This Court denied the Defendant's motion to dismiss the complaint herein.

2. Plaintiff avers that the facts of the complaint are not in dispute in that in their response to plaintiff's grievance dated 9-15-04, Defendants admit that the strip search complained of did in fact occur and that it was a "mistake"

3. Plaintiff avers that defendant's admission that the incident did in fact occur in their official response to plaintiff's grievance is sufficient to warrant Summary Judgment.

WHEREFORE, Plaintiff prays this Court to grant Summary Judgment for the Plaintiff in favor of the Plaintiff.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John Dunmire', is written over a horizontal line.

John Dunmire, Plaintiff, 10-31-05

CERTIFICATE OF SERVICE

I, John Dunmire do hereby certify that I have served a true and correct copy of the foregoing by placing same in the US Mail, first class postage paid, addressed as follows:

Rodney M. Torbic, ESQ.
office of the Attorney General
564 Forbes Ave.
Pittsburgh, Pa. 15219

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John Dunmire', is written over a horizontal line.

John Dunmire, Plaintiff, 10-31-05

John Dunmire, CL-4931
10745 Rt. 18
Albion, Pa. 16475-0002